

REMARKS

In the Final Office Action, the Examiner noted that claims 1-5, 7-20, and 22-44 are pending in the application and that claims 1-5, 7-20, and 22-44 are rejected. The Examiner objected to claims 22-24. By this response, claims 22-24 are amended. In view of the above amendments and the following discussion, the Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, the Applicant believes that all of these claims are now in condition for allowance.

I. OBJECTIONS

The Examiner objected to claims 22-24 as depending from a cancelled claim. Each of claims 22-24 has been amended to properly depend from independent claim 17, rather than cancelled claim 21. As such, the Applicant respectfully requests that the objection to claims 22-24 be withdrawn.

II. REJECTION OF CLAIMS UNDER 35 U.S.C. §103

A. Claims 1-5, 7-11, 13, 17-20, 25, 27, and 31-44

The Examiner rejected claims 1-5, 7-11, 13, 17-20, 25, 27, and 31-44 as being unpatentable over Ben-Yehezkel (United States patent 6,049,711, issued April 11, 2000) in view of Holland (United States patent 6,321,091, issued November 20, 2001). The Examiner separately rejected claims 1-5, 7-11, 13, 17-20, 25, 27, and 31-44 as being unpatentable over Ben-Yehezkel in view of Smith (United States published patent application 2002/0042277, published April 11, 2002). The rejections are respectfully traversed.

1. Ben-Yehezkel In view of Holland

The Examiner conceded that Ben-Yehezkel does not teach a location request message that comprises an electronic mail message. (Final Office Action, p. 2). The Examiner stated, however, that Holland teaches requesting position data by accessing web server software in a remote location. (Final Office Action, p. 2). The Examiner

PATENT

Atty. Dkt. No. GLRL 006

concluded that it would have been obvious to one skilled in the art to "modify Yehezkel's mobile data terminal...with email capability of Holland's subscriber computer...for the advantage of accessing the larger network of the Internet." (Final Office Action, p. 2). The Applicant respectfully disagrees.

Ben-Yehezkel generally teaches a system for providing location-based information to a requesting user. (See Ben-Yehezkel, Abstract). In particular, Ben-Yehezkel describes sending a request for information services from a requesting unit to a server over a wireless network, a publicly switched telephone network (PTSN, or a wireless network referred to as the TELETRAC network. (Ben-Yehezkel, col. 5, lines 15-35). The request includes an identification number representing a subscriber unit. (Ben-Yehezkel, Abstract).

Holland generally teaches a position location and tracking system. (See Holland, Abstract). In particular, Holland describes a mobile locator device having a cellular modem for transmitting position data to a wireless service provider. (Holland, col. 7, lines 13-27). Holland also describes a subscriber computer in communication with a server via an HTTP protocol for requesting position of a mobile locator device. (Holland, col. 9, lines 30-62).

As fully discussed below, the cited references, either singly or in any permissible combination, do not teach, suggest, or otherwise render obvious Applicant's invention recited in claim 1. Namely, the combination of Ben-Yehezkel and Holland fails to teach or suggest a method of providing location-based information for a wireless device that receives an electronic mail message associated with a pre-defined address from a wireless device via a wireless network. Specifically, Applicant's claim 1 positively recites:

"A method for providing location-based information for a wireless device, the method comprising:

receiving a message from said wireless device via a wireless network, said message comprising an electronic mail message associated with a pre-defined address;

determining whether the received message contains a request for location-based information;

determining the location of said wireless device using said wireless network if the received message is determined to contain the request;

PATENT

Atty. Dkt. No. GBL 008

retrieving location-based information related to the determined location;
and
transmitting the location-based information to said wireless device via said wireless network.” (Emphasis added).

First, there is no teaching or suggestion in Holland that the mobile locator device transmits the position data to the server using an electronic mail message associated with a pre-defined address. In essence, Holland teaches no more than Ben-Yehezkel in that each reference generally describes the transmission of data from a mobile device to a server. However, neither of the references teaches use of an electronic mail message associated with a pre-defined address to request data from a server. Since neither Ben-Yehezkel nor Holland teaches or suggests receiving an electronic mail message associated with a pre-defined address from a wireless device via a wireless network, no conceivable combination of Ben-Yehezkel and Holland renders obvious the Applicant's invention as recited in claim 1.

Second, Ben-Yehezkel teaches away from using an electronic mail message to request location-based information. In particular, the request for information by the subscriber unit in Ben-Yehezkel (referred to as the “information service request”) is transmitted in a response message from the subscriber unit to at least three receiving sites in a defined time slot set by the receiving sites. (See Ben-Yehezkel, col. 2, lines 43-55). The location of the subscriber unit is determined using a time-difference of arrival technique and the requested information is transmitted to the subscriber unit. (Ben-Yehezkel, col. 2, lines 55-65). The system of Ben-Yehezkel cannot function without receiving the specifically defined response message transmitted in a particular time slot. That is, modifying the system of Ben-Yehezkel to send an electronic mail message from the subscriber unit to the receiving sites would render the system inoperative for its intended purpose and would change the principle of operation of the system. (See MPEP §2143.01). In particular, the Ben-Yehezkel system could not locate position of the subscriber unit using the disclosed time-difference of arrival technique if an electronic mail message was used in place of the response message. As such, there is no suggestion or motivation to modify the receiving sites of Ben-Yehezkel to receive an electronic mail message from a wireless device, instead of the response message described in Ben-Yehezkel.

Page 11

291661_1.DOC

PATENT

Atty. Dkt. No. GLEL 008

For these reasons, the Applicant contends that the invention recited in claim 1 is patentable over the combination of Ben-Yehezkel and Holland and, as such, fully satisfies the requirements of 35 U.S.C. §103. Furthermore, independent claims 17 and 31 recite features similar to the novel and nonobvious features of independent claim 1 discussed above. Thus, the Applicant contends that the inventions recited in claims 17 and 31 are also patentable over the cited references and satisfy the requirements of 35 U.S.C. 103. Finally, claims 2-5, 7-11, 13, 18-20, 25, 27, and 32-44 depend, either directly or indirectly, from claims 1, 17, and 31 and recite additional features therefor. Since the combination of Ben-Yehezkel and Holland does not render obvious Applicant's invention recited in claims 1, 17, and 31, dependent claims 2-5, 7-11, 13, 18-20, 25, 27, and 32-44 are also nonobvious and are allowable.

2. Ben-Yehezkel in view of Smith

The Examiner conceded that Ben-Yehezkel does not teach a location request message that comprises an electronic mail message. (Final Office Action, p. 8). The Examiner stated, however, that Smith teaches sending a request for location-based information via email. (Final Office Action, p. 8). The Examiner concluded that it would have been obvious to one skilled in the art to modify the system of Ben-Yehezkel to use email requests, as taught by Smith. The Applicant respectfully disagrees.

Smith generally teaches providing location and status information about an identified mobile subscriber to a requesting subscriber. (See Smith, Abstract). In particular, Smith teaches that the requesting subscriber may access a subscriber information service center via email. The subscriber information service center returns a geographic name to the requesting subscriber corresponding to a location of another subscriber (Smith, Abstract; ¶8).

The cited references, either singly or in any permissible combination, do not teach, suggest, or otherwise render obvious Applicant's invention as recited in claims 1, 17, and 31. With respect to claim 1, the combination of Ben-Yehezkel and Smith does not teach or suggest a method of providing location-based information for a wireless device that receives an electronic mail message associated with a pre-defined address from the wireless device via a wireless network. There is no teaching or suggestion in

Page 12

291681_1.DOC

PATENT

Atty. Dkt. No. GBL 008

Smith receiving a request for location-based information from a wireless device and delivering such location-based information to the wireless device. Rather, Smith teaches receiving a request for a location of a subscriber from another subscriber unit (e.g., a third-party requester), and returning a corresponding geographic name of the location to the requesting subscriber unit. There is no teaching or suggestion in Smith of requesting and receiving the location for a subscriber device using the subscriber device itself. Smith is not concerned with providing information based on location ("location-based information") to a device, but rather is concerned with providing a geographic location of a subscriber to another requesting subscriber. Since neither Ben-Yehezkel nor Smith teach or suggest providing location-based information for a wireless device that receives an electronic mail message associated with a pre-defined address from the wireless device via a wireless network, no conceivable combination of Ben-Yehezkel and Smith renders obvious Applicant's invention recited in claim 1.

Furthermore, with respect to Applicant's claims 1, 17, and 31, Ben-Yehezkel teaches away from using an electronic mail message to request location-based information. As discussed above in Section II.A.1, modifying the system of Ben-Yehezkel to send an electronic mail message from the subscriber unit to the receiving sites would render the system inoperative for its intended purpose and would change the principle of operation of the system. As such, there is no suggestion or motivation to modify the receiving sites of Ben-Yehezkel to receive an electronic mail message from a wireless device, instead of the response message described in Ben-Yehezkel.

For these reasons, the Applicant contends that the inventions recited in claims 1, 17, and 31 are patentable over the combination of Ben-Yehezkel and Smith and, as such, fully satisfy the requirements of 35 U.S.C. §103. Claims 2-5, 7-11, 13, 18-20, 25, 27, and 32-44 depend, either directly or indirectly, from claims 1, 17, and 31 and recite additional features therefor. Since the combination of Ben-Yehezkel and Smith does not render obvious Applicant's invention recited in claims 1, 17, and 31, dependent claims 2-5, 7-11, 13, 18-20, 25, 27, and 32-44 are also nonobvious and are allowable.

B. Claims 12 and 26

The Examiner rejected claims 12 and 26 as being unpatentable over Ben-Yehezkel in view of Holland in further view of Fattouche (United States patent 5,890,068, issued March 30, 1999). The Examiner separately rejected claims 12 and 26 as being unpatentable over Ben-Yehezkel in view of Smith in further view of Fattouche. The rejections are respectfully traversed.

Fattouche generally teaches a wireless location system. (See Fattouche, Abstract). In particular, Fattouche utilizes time-of-arrival (TOA) estimates from several monitoring stations of a signal transmitted by a wireless transceiver to locate position thereof. (Fattouche, Abstract).

Claims 12 and 26 respectively depend from claims 1 and 17 and recite additional features therefor. The cited combinations do not teach, suggest, or otherwise render obvious Applicant's invention as recited in claims 1 and 17. As discussed above, neither the combination of Ben-Yehezkel and Holland, nor the combination of Ben-Yehezkel and Smith render obvious Applicant's claims 1 and 17. Fattouche is completely devoid of any teaching or suggestion of using an electronic mail message for requesting data. Rather, Fattouche is concerned with a mechanism for position location using TOA data. Thus, no conceivable combination of Fattouche with Ben-Yehezkel and Holland, or with Ben-Yehezkel and Smith, renders obvious Applicant's invention recited in claims 1 and 17. Therefore, the Applicant contends that the inventions of claims 12 and 26, which depend from claims 1 and 17, are patentable over the cited references and, as such, fully satisfy the requirements of 35 U.S.C. §103.

C. Claims 14-16 and 28-30

The Examiner rejected claims 14-16 and 28-30 as being unpatentable over Ben-Yehezkel in view of Holland in further view of Kennedy (United States patent 5,317,323, issued May 31, 1994). The Examiner separately rejected claims 14-16 and 28-30 as being unpatentable over Ben-Yehezkel in view of Smith in further view of Kennedy. The rejections are respectfully traversed.

PATENT

Atty. Dkt. No. GLBL 008

Kennedy generally teaches a geolocation system. (See Kennedy, Abstract). In particular, Kennedy teaches locating a mobile receiver using time-of-arrival information at multiple radio receivers having known locations. (Kennedy, Abstract).

Claims 14-16 and 28-30 depend from claims 1 and 17 and recite additional features therefor. The cited combinations do not teach, suggest, or otherwise render obvious Applicant's invention as recited in claims 1 and 17. As discussed above, neither the combination of Ben-Yehezkel and Holland, nor the combination of Ben-Yehezkel and Smith render obvious Applicant's claims 1 and 17. Kennedy is completely devoid of any teaching or suggestion of using an electronic mail message for requesting data. Rather, Kennedy is concerned with a mechanism for position location using TOA data. Thus, no conceivable combination of Kennedy with Ben-Yehezkel and Holland, or with Ben-Yehezkel and Smith, renders obvious Applicant's invention recited in claims 1 and 17. Therefore, the Applicant contends that the inventions of claims 14-16 and 28-30, which depend from claims 1 and 17, are patentable over the cited references and, as such, fully satisfy the requirements of 35 U.S.C. §103.

CONCLUSION

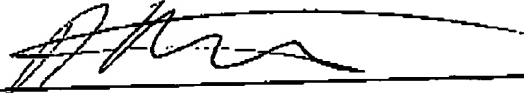
Thus, the Applicant submits that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. § 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of any adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Robert M. Brush, Esq. or Mr. Raymond R. Moser, Jr., Esq. at (732) 530-9404 so that appropriate arrangements

PATENT
Atty. Dkt. No. GLBL 006

can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



Robert M. Brush
Registration No. 45,710
MOSER, PATTERSON & SHERIDAN, L.L.P.
595 Shrewsbury Ave. Suite 100
Shrewsbury, NJ 07702
Telephone: (732) 530-9404
Facsimile: (732) 530-9808
Attorney for Applicant

CERTIFICATE OF FACSIMILE TRANSMISSION under 37 C.F.R. § 1.8

I certify that this correspondence is being transmitted by facsimile under 37 C.F.R. 1.8 on August 5, 2004 and is addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Facsimile Number: (703) 872-9306.

Kathleen Faughnan

Type or print name of person signing certification

Kathleen Faughnan

Signature